

Iowa Department of Natural Resources  
Natural Resource Commission

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ITEM

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DECISION

TOPIC

Land Acquisition Project Approval

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**1. Brushy Creek State Recreation Area, Webster County – Land Exchange – Phillip Richardson et al**

The Natural Resource Commission's approval is requested for the exchange of real estate with Phillip Richardson, Donald Richardson, Norma Richardson, and James Richardson and the DNR. Both tracts are located adjacent to the west side of Brushy Creek State Recreation Area in Webster County.

Jerry Gibson and Rick Hansen mediated the exchange agreement. This agreement was precipitated by an ongoing access dispute, as well as the need for the DNR to realize control of two earthen water/silt control structures proximate to Brushy Creek Lake. The value of the land to be exchanged is of equal per acre value.

The DNR parcel is gently sloping cropland containing approximately 20 acres, as outlined in green on the exhibit. The Richardson land is two strips of gently sloping cropland containing approximately 17.5 acres (outlined in red) with two water/silt control structures along the east-west strip. The Department plans to construct another structure along the north-south strip to enhance the water quality of the lake.

Both the Department and the Richardson's will remove their existing fences and gating that was installed as a result of the access dispute. The Department will also extinguish the 20 foot wide access easement that is the subject of the dispute (blue line on the exhibit). The Richardson's will in turn transfer to the DNR in fee title a 25 foot wide strip for improved access to the area (as shown by the yellow line).

The Parks Bureau will manage the property in accord with the area management plan. The Richardson's will pay for the three land surveys required for the land exchange, as well as provide for filing fees for the patent.

Staff recommends approval of the land exchange.

**2. Lake Wapello State Park, Davis County – Dean and Lois Eakins**

The Natural Resource Commission's approval is requested to accept the donation of a permanent easement for a silt basin and earthen water retention dam adjacent south of Lake Wapello State Park in western Davis County. The donors are Dean and Lois Eakins. The easement shall serve as temporary and permanent storage of water and retention of silt on an area totaling approximately 1.5 acres lying below top of the earthen

dam. The donors also grant access to the State and its authorized agents across their property as needed for construction of the silt basin.

Rick Hansen negotiated the easement grant.

This property is located adjacent south of Lake Wapello State Park. The easement segment is heavily forested ravine. A portion of the earthen dam is designed to be located on the Eakins property, with the balance of the earthen embankment on DNR land. The dam and associated basin will be designed to trap sediment and to impound water to reduce runoff of soil and nutrients into Lake Wapello. The project will cause water impoundment and sediment retention within the basin and located on a portion of the subject property. During extreme precipitation runoff, floodwater could result in occasional flooding to the top of the silt retention dam.

This easement will become part of the Lake Wapello State Park, and will be managed by the Parks Bureau in accord with the area management plan. Incidental closing costs will be the responsibility of the Department.

Staff recommends approval of the easement acquisition.

Attachment

Travis Baker, Supervisor  
Management Services Division  
February 12, 2009